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Plaintiffs' Lead Counsel

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEE A. HAMPE, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff(s),

v.

PDL BIOPHARMA, INC., JOHN P.
MCLAUGHLIN, PETER S. GARCIA, and
DAVID MONTEZ,

Defendants.

Case No. 2:14-cv-01526-APG-NJK

CLASS ACTION

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE PURSUANT TO
FED. R. CIV. P. 41(a)(1)(A)(ii)**

1 The parties hereby stipulate to the dismissal of this action without prejudice as to
2 Defendants PDL BioPharma, Inc., John P. McLaughlin, Peter S. Garcia, and David Montez
3 (collectively, "Defendants") pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and as grounds therefore
4 state as follows:

5 WHEREAS, Lee A. Hampe filed this putative class action complaint on September 18, 2014
6 [Docket No. 1];

7 WHEREAS, on December 11, 2014, the Court entered an Order Appointing Robert M.
8 McElroy As Lead Plaintiff And Approving Lead Plaintiff's Selection Of Lead Counsel [Docket No.
9 27];

10 WHEREAS, the March 5, 2015 deadline for Lead Plaintiff to file an Amended Complaint
11 has not yet been reached;

12 WHEREAS, this action has not been certified as a class action and, therefore, Fed. R. Civ.
13 P. 23(e) does not apply, and no prejudice to absent putative class members will result from
14 dismissal of the action;

15 WHEREAS, Lead Plaintiff and his counsel have now determined, after careful review and
16 deliberation, to voluntarily dismiss this action; and

17 WHEREAS, neither Lead Plaintiff nor his counsel has received or will receive any
18 consideration for dismissing this action from Defendants or otherwise;

19 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the undersigned
20 parties, as follows:

21 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this action is hereby dismissed without
22 prejudice as to all Defendants, with each side to bear its own attorneys' fees and costs incurred in
23 connection with this action;

24 2. The parties mutually agree not to seek or assert any claim against the other(s) or
25 their counsel for fees, expenses, costs, sanctions (including any claim under Fed. R. Civ. P. 11) in
26 connection with the filing, prosecution, defense or dismissal of this action and/or any other claim
27 that the above-captioned action was brought or defended in bad faith; and

28 3. This Stipulation shall not be construed against any party, but shall be construed as

1 if the parties jointly prepared this Stipulation, and any uncertainty or ambiguity shall not on ground
2 of authorship or otherwise be interpreted against any one party.

3
4 Dated: February 2, 2015

5
6 COOKSEY, TOOLEN, GAGE, DUFFY & WOOG, P.C.

7 By: 

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Attorneys for Defendants

* * *

IT IS SO ORDERED.

Dated: February __, 2015

UNITED STATES DISTRICT JUDGE